

# EXHIBIT B

Page 1

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2       UNITED STATES DISTRICT COURT  
3       EASTERN DISTRICT OF NEW YORK  
4       Case No. 1:17-cv-06127-ILG-ST

SARAS CHENG

**Plaintiff,**

- against -

**MANOJKUMAR PATEL, in his individual and  
Professional capacities,**

## **Defendants.**

April 10, 2020  
9:27 a.m.

47-34 39th Street  
Sunnyside, New York 11104

VIDEOCONFERENCED DEPOSITION of MANOJKUMAR  
PATEL, the Defendant in the above-entitled action,  
held at the above time and place, taken before  
Melissa A. Diaz, a Notary Public of the State of New  
York, pursuant to the Federal Rules of Civil  
Procedure, Notice and stipulations between counsel.

\* \* \* \*

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3       **A P P E A R A N C E S :**  
4  
5       **LAW OFFICES OF WILLIAM A. CAFARO**  
6                  *Attorneys for Plaintiffs*  
7                  *108 West 39th Street, Suite 602*  
8                  *New York, New York 10018*  
9  
10      BY:       **LOUIS M. LEON, ESQ. (Via Videoconference)**  
11  
12      **LEVIN-EPSTEIN & ASSOCIATES, P.C.**  
13                  *Attorneys for Defendants*  
14                  *420 Lexington Avenue, Suite 2525*  
15                  *New York, New York 10170*  
16  
17      BY:       **JASON MIZRAHI, ESQ. (Via Videoconference)**  
18  
19  
20  
21  
22  
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18                  \*                  \*                  \*                  \*

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## **S T I P U L A T I O N S**

3 IT IS HEREBY STIPULATED AND AGREED, by and  
4 among counsel for the respective parties hereto,  
5 that the filing, sealing and certification of the  
6 within deposition shall be and the same are hereby  
7 waived;

8           IT IS FURTHER STIPULATED AND AGREED that all  
9 objections, except as to form of the question, shall  
10 be reserved to the time of the trial;

11 IT IS FURTHER STIPULATED AND AGREED that the  
12 within deposition may be signed before any Notary  
13 Public with the same force and effect as if signed  
14 and sworn to before the Court.

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M. PATEL

2

open that up, you think that would help refresh your  
memory?

4

A Yeah.

5

Q So maybe later on we'll do that.

6

But 2014 and 2015 from what you remember  
did your rental, gross rental, revenues change at  
all? Like was it different from 2014 to 2015?

9

A I have no idea -- recall. I don't recall  
anything. It's so hard to remember.

11

Q Fair enough.

12

A I can't remember what I ate yesterday for  
dinner.

14

Q I'm in the same life with this COVID. I  
don't even know what date it is.

16

MS. LEON: I just want to make a statement

17

for the record. We requested tax returns in --

18

this is for your attorney. This is not meant

19

for us to get into an argument or a debate. We

20

made a request for all tax returns during the

21

relevant years, which included 2014, 2015, 2016

22

and 2017. We never got tax returns for 2014.

23

I was led to believe during the course of

24

discovery that if we didn't give it to you, we

25

don't have it.

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1 M. PATEL  
2  
3 So based on what Mr. Patel has indicated  
4 today, that he believes that he may have filed  
5 2014 tax returns, then I would ask for those  
6 returns to be disclosed. They should have been  
7 disclosed already, but I want to put that  
8 request on the record and obviously if we don't  
9 get it promptly the way we should have gotten  
10 it eight, nine months ago, a year and a half  
11 ago when we first requested this or two years  
12 ago, then obviously we'll have to take  
13 necessary action.

14 But I just want to place that on the  
15 record and ask you, Jason, are you aware if the  
16 2014 tax returns were turned over? Because if  
17 I'm wrong, I'm willing to take it off the  
18 record. But do you know if the 2014 tax  
19 returns were ever turned over?

20 MR. MIZRAHI: I think we should speak  
privately off the record about it.

21 MS. LEON: Just a quick statement. It  
either has been turned over or hasn't.

22 MR. MIZRAHI: I don't recall right now.  
23 So we should talk about it later after the  
24 deposition.  
25

1 M. PATEL

2 MS. LEON: So then in light of that slight  
3 delay tactic, if it's not turned over, we will  
4 be moving to compel because it should have been  
5 turned over already. Presumably the tax  
6 returns say the same stuff that the other years  
7 say. But I can't assume that. I can't commit  
8 malpractice by not getting the documents that I  
9 need to prove my case. So I respectfully ask  
10 that you promptly turn them over. If we don't  
11 get a chance to talk, that's not an excuse to  
12 not turn them over because they are over a year  
13 overdue. I just want that on the record, and  
14 I'll continue asking your clients questions.  
15 Please be guided accordingly.

16 MR. MIZRAHI: For the record, I  
17 acknowledge your representation. If you'd like  
18 to make your request in writing as well as the  
19 previous request for documents, I'd be happy to  
20 help you.

21 MS. LEON: Jason, the transcript is a  
22 written record. And it's being sent to you.  
23 So you are on notice and it's in connection  
24 with a prior request. So even if I send you a  
25 written request later today or during a break,

1 M. PATEL

2 which I can easily do or not, does not mean  
3 that you get to hold off from complying because  
4 you didn't get that request. You've been put  
5 on notice.

6 MR. MIZRAHI: I have no absolutely no idea  
7 what previous request you're referring to.

8 MS. LEON: There's only been one record  
9 document request, Jason.

10 MR. MIZRAHI: I won't engage in this with  
11 you right now.

12 MS. LEON: There's been at least three  
13 motions to compel in connection with you and  
14 your boss not disclosing documents when you  
15 were supposed to and us going to three  
16 conferences because of it. I'm not going to  
17 waste any more time on this. I want to get  
18 back to questioning your client, but you're on  
19 notice that you can't rely on the fact that you  
20 don't get an e-mail right now from me.

21 MR. MIZRAHI: The 2014 tax returns are in  
22 the Dropbox folder.

23 MS. LEON: And I'm looking at it right  
24 now. I looked at it just a few minutes ago and  
25 it wasn't there. If that's the case, download

1 M. PATEL

2 it and e-mail it to me right now, if that  
3 really is the case. I'm looking at it right  
4 now. And I will be willing to say I'm wrong if  
5 I am wrong, but I don't see anything regarding  
6 2014 tax returns. Just e-mail it to me and  
7 I'll gladly look at it.

8 Is it your position that it's been  
9 produced? Because if it is in the Dropbox,  
10 I'll look at it during the break. And if I'm  
11 wrong, I'll correct myself.

12 MR. MIZRAHI: Yes. It's right there.  
13 Look at it.

14 MS. LEON: All right. I'll take a look at  
15 it over the break and if I have to fix the  
16 record, I'll fix the record.

17 Q Sir, Mr. Patel, do you remember that there  
18 was a document that you produced during the course  
19 of this case that I believe you labeled or someone  
20 labeled as Mr. Carlo, adult productive services  
21 ineligibility? Do you know what I'm referring to,  
22 Mr. Patel?

23 A I have to look at the documents.

24 MS. LEON: Let's do that to make it  
25 easier.

1                           M. PATEL

2                   A     Yeah. Because at that time as a human, as  
3     a person, I tried to give him a chance to improve  
4     his health.

5                   Q     So I understand that you say you were  
6     being considerate to the fact that he was a person  
7     with problems and that's why you didn't fire him  
8     earlier, right?

9                   A     Yeah. That was the problem.

10                  Q     I'm sorry?

11                  A     Can you rephrase that?

12                  Q     Sure. Is it correct to say that the  
13     reason you're saying that you didn't fire him before  
14     September of 2017 is because you felt like you were  
15     being a human and you were empathizing and giving  
16     him the opportunity to be better and you didn't want  
17     to take advantage of his medical situation?

18                  A     No. That was the main reason. Yes.

19                  THE WITNESS: If you don't mind, can we  
20                      take a break because I'm getting tired and  
21                      exhausted.

22                  MS. LEON: Give me a few more minutes and  
23     we'll take a break.

24                  THE WITNESS: Because my brain need some  
25     energy.

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1 M. PATEL

2 MS. LEON: My brain is operating on coffee  
3 now.

4 THE WITNESS: I don't drink coffee.

5 MS. LEON: I don't envy you.

6 Could you read back the last question and  
7 answer?

8 (The requested portion was read.)

9 MR. MIZRAHI: Mr. Patel, are you okay?

10 THE WITNESS: Yes.

11 MS. LEON: I'm just asking for five  
12 minutes because I've already started a  
13 question and you heard me start the question  
14 and you started -- I'm going to finish asking  
15 my question. Once that question is done --

16 MR. MIZRAHI: Excuse me --

17 MS. LEON: No, Jason, please don't do  
18 this. We're going to be here an hour or two  
19 hours longer at this rate. I'm asking for five  
20 minutes. Just let me finish my question.

21 MR. MIZRAHI: Mr. Patel, if you need a  
22 break, just let me know.

23 THE WITNESS: Okay.

24 MR. MIZRAHI: Thank you.

25 MS. LEON: Mr. Patel, you remember that at

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M. PATEL

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A Are you allowed to make any comment on the  
record that you want?

4

Q I'm not recording anything.

5

A You said how convenient, right?

6

Q Convenient, yes. Unless you want me to --

7

A Convenient for you, right? If something  
is convenient for you, you can ask anything, right?

9

Q Yes. I'm an attorney. I'm the one  
deposing you. I get to ask --

A Yeah. Yeah. I know. This is what --

Q I have reasonable hours left of deposing  
you. So the more you argue, the longer we're going  
to take with this.

A That's fine. Let's take 10 years.

Q Sure. You're the one paying on an hourly  
basis. Not me.

A I'm not worried about that one.

Q Of course you're not. I'm glad to know  
that. So I'll continue.

MR. MIZRAHI: Let's continue.

Q I already know what I need to know  
about --

MR. MIZRAHI: This is an improper exchange  
for the record.

1 M. PATEL

2 A I can give it to you.

3 Q I do want it. That's --

4 A I will give it to you. Stop. And go for  
5 it. Don't show me a finger, first of all.

6 Q I'm not --

7 A That's what you're doing. You don't point  
8 a finger to anyone.

9 Q I'm going to continue to talk.

10 A You keep showing your finger.

11 Q It's my index finger.

12 A Doesn't matter. It's a finger.

13 Q Sir, I'm not --

14 A You are insulting me.

15 Q You're a witness and I'm going to continue  
16 asking questions about --

17 A You are insulting me.

18 Q How am I insulting you, sir, by asking you  
19 questions you don't want to answer? I'm going to  
20 finish because I'm not going to continue wasting  
21 time.

22 A Go ahead. You already wasted eight hours.

23 Q That notebook that you just showed me for  
24 the very first time and your attorney never  
25 mentioned to me at any point in time in almost three

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1 M. PATEL

2 THE WITNESS: You don't need to say the  
3 same thing, sir.

4 MS. LEON: Five minutes is all I'm giving  
5 you because --

6 THE WITNESS: I have a right to --

7 [Simultaneous speaking. Inaudible.]

8 MS. LEON: Mr. Patel, calm down. Stop  
9 yelling.

10 THE WITNESS: No. The reason is you are  
11 thinking by harassing somebody like this with  
12 the way you talk and you show me your finger --

13 MS. LEON: Okay, Mr. Patel.

14 THE WITNESS: You can record it and put it  
15 online.

16 MS. LEON: Jason, five minutes and then --  
17 we started at 9:30, as you aptly reminded me  
18 over and over --

19 THE WITNESS: You did the same thing over  
20 and over.

21 MS. LEON: My portion --

22 THE WITNESS: If you want to keep going on  
23 the record, then that's fine.

24 MS. LEON: 6:05 is the cut-off --

25 THE WITNESS: Jason, finish it because